

AMDT. DATED AUGUST 11, 2003

REPLY TO OFFICE ACTION OF APRIL 9, 2003

REMARKS/ARGUMENTS

Claims 1, 10, 14, and 23 have been amended, and Claims 8, 9, 21, and 22 have been canceled, without prejudice or disclaimer; therefore, Claims 1-7, 10-20, and 23-26 are pending. Applicant has carefully considered the application in view of the Examiner's action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

Claims 1-5, 8-18, and 21-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,481,382 to Villa-Real (hereinafter "Villa-Real"). Claims 6, 7, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Villa-Real in view U.S. Patent No. 5,664,063 to Johnson et al. (hereinafter "Johnson"). In response, Applicant has cancelled Claims 8, 9, 21, and 22, without prejudice or disclaimer, rendering the rejection thereof moot, and has amended independent Claims 1 and 14 such that they now more clearly distinguish, and are patentable, over the cited references.

Specifically, independent Claim 1 has been amended to include the limitations of Claims 8 and 9, and independent Claim 14 has been amended to include the limitations of Claims 21 and 22, without adding any new matter to the application as originally filed. Claims 1 and 14, as thus amended, more particularly point out and distinctly claim one of the distinguishing characteristics of the present invention, namely, defining a triggering event as at least one of an incoming phone call from a selected phone number to the communication device and an outgoing phone call to a selected phone number from the communication device, as supported by Claims 8, 9, 21, and 22 as originally filed.

Villa-Real has been cited as fully disclosing Applicant's invention as recited in independent Claims 1 and 14, as now amended. The Examiner has indicated that Villa-Real discloses triggering events as including an outgoing phone call (e.g., a singularity or plurality of future phone calls to be made) at col. 1, lines 15-23, and incoming calls at col. 14, lines 5-6. It is respectfully submitted, however, that upon closer examination, Villa-Real does not disclose incoming and outgoing phone calls as triggering events, but rather as actions that may be initiated subsequent to the occurrence of a triggering event (see e.g., col. 1, lines 25-27). It is further respectfully submitted that the only triggering event disclosed by Villa-Real is limited to

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the "progression of time and date that are constantly compared to the electronic timer and calendar and alarm system" (col. 1, lines 21-23; see also e.g., col. 1, lines 55-57).

In view of the foregoing, it is apparent that none of the cited references, either singularly or in any combination, teach, suggest, or render obvious the unique combination now recited in independent Claims 1 and 14, namely, that triggering events include incoming and outgoing phone calls. It is therefore respectfully submitted that Claims 1 and 14 clearly and precisely distinguish over the cited reference in a patentable sense, and are therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claims 1 and 14 under 35 U.S.C. § 102(b) as being anticipated by Villa-Real be withdrawn.

Claims 2-7, 10-13, 15-20, and 23-26 depend from and further limit independent Claims 1 and 14, in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance. It is noted that Claims 10 and 13 are amended to be consistent with Claims 1 and 14 as amended, and are supported by Claims 8, 9, 21, and 22, as originally filed, and add no new matter to the application as originally filed. Accordingly, it is respectfully requested that the rejections of dependent Claims 2-7, 10-13, 15-20, and 23-26 be withdrawn, as well.

Applicant has reviewed the prior art made of record and not relied on, and has concluded that this art does not prejudice the patentability of the invention as defined by the present claims. For this reason and the reason that they have not been applied against Applicant's claims, no further discussion of them is deemed necessary.

Enclosed is a Petition for Extension of Time, along with authorization to charge to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P. the 37 C.F.R. § 1.17(a) fee for a one (1) month extension of time.

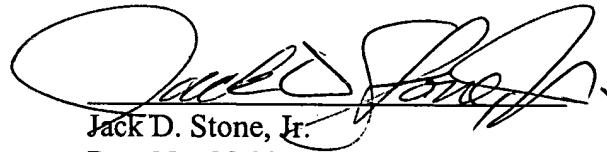
Applicant does not believe any other fees are due; however, in the event that any other fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 1-7, 10-20, and 23-26 so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

SCHEEF & STONE, L.L.P.



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